APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,109	06/20/2003	Cynthia Kae Florkey	LUC-420/Florkey 7-7-15-7-	7782

32205	7590	04/20/2006	EXAMINER

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ART UNIT	PAPER NUMBER
2618	

DATE MAILED: 04/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 January 2006*.

2a)☒ This action is **FINAL**.　　2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some *　c)☐ None of:

　　1.☐ Certified copies of the priority documents have been received.

　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 2/5/06 have been fully considered but they are not persuasive.

On page 10, third paragraph in response to applicant argument , the amended claims still recites indefiniteness. As many of the claims recites "one or more" language which renders the claim indefinite.

Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

1.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

2.   Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-20 recites " one or more of the one or more notifications of a one or more open session and second communication devices", lines 4-11 renders indefinite. It is recommended that claims amended "or" in to and to overcome the 35 USC 112, second paragraph rejection.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-20 are rejected under 35 U.S.C. 102(a) as being anticipated by

Henrikson et al (US 2003/0053612) "Henrikson".

Claims 1 and 2. Henrikon teaches an apparatus (call session controller 114 and

media resource function 124 of figure 1) comprising:

Henrikon teaches an application server (114 and 124) component that receives

one request "notification" of one open communication sessions from one first

communication devices (102) (page 3 para 0022) .

Henrikon teaches the application sever component (114 and 124) sends one of

the one notifications of one of the one open communication sessions to one second

communication devices (see figure 4).

Henrikon teaches notification are not limited to telephone number (see page 1

para 0007).

Chan teaches a request by a communication device of the one of second

communication devices to join an open communication session of the one of the one

open communication sessions, (page 3 para 0023) the application server component

initiates a connection of the communication device to the open communication session

(page 3, para 0023) .

Claim 3, Henrikon teaches topics (conference) and second communication

devices and selecting the topics (conference and its time and day of the week, , page 3

para 0025-0026).

Claims 4 and 8. Henrikon teaches the information comprises a list of the one first

communication devices wherein the one user of the second communication devices

comprise a user of the communication device, (page 3, para 0022)

Chan teaches the user employs the list to make a determination to join the open

communication session wherein upon the determination, the communication device

sends the request to the application server component (page 3, para 0022 and figure 2).

Claim 5. Henrikon teaches the information comprises a limit to a number of the

one second communication devices able to participate in the open communication

session (item #406 of figure 4 where checks the availability of resource)

Henrikon teaches once the number of the one second communication devices in

the open communication session reaches the limit, the application server component

rejects subsequent requests of the one second communication devices to join the

Communication Session (see figure 4).

Claims 6-7. Henrikon teaches the request comprises a session identification of

the open communication session, wherein the application server component sends the

session identification to the one control components to initiate the connection of the

communication device to the open communication session; wherein the one control

components employ the session identification to connect the communication device to the open communication session (see page 3, para 0026 and figure 2).

Claim 9. Henrikon teaches the application server component receives one requests to join the private communication session from the one of the one second communication devices (see page 3 para 0022).

Claim 10 Henrikon teaches the application server component sends one rejection of the one requests to the one If the one second communication devices (see figure 4 and it's disclosure).

Claim 11. Chan teaches all the limitation as explained above in claim 9. Chan further teaches the application server component sends one acceptances of the one requests to the one of the one second communication devices(see page 3 para 0022 and figure 2).

Claim 12, Henrikon teaches topics (conference) and second communication devices and selecting the topics (conference and its time and day of the week, , page 3 para 0025-0026).

Claim 13, Henrikon teaches sending one notifications of one open communication sessions to one communication devices receiving a request to join an open communication session of the one open communication sessions from a communication device of the one communication devices and initiating a connection of the communication device to the open communication session (page 3 para 0023).

Claim 14, Henrikon teaches the one or more notifications comprise information

of the one open communication sessions, wherein the information comprises one of a

topic, a list of one users of the one or more communication devices, and a list of the one

or more open communication sessions, wherein the list correspond to the

communication ion wherein the step of receiving the request to join the open

communication session, from the communication device comprises the steps of:

employing the one the list of the one users, and the list of the one open communication

sessions to make a determination to join the open communication session; and

receiving the request to join the open communication session from the communication

device(see abstract and page 3 para 0022).

Claim 15. Henrikon teaches the one or more notifications comprise information If

the one open communication sessions, wherein the information comprises a limit to a

number of the one communication devices able to participate in the open

communication session, receiving the request to join the open communication session

from the communication device comprises the steps of: receiving the request to join the

open communication session from the communication device upon reaching the limit of

the number of the one communication devices and sending a rejection of the request to

the communication device prior to initiation of the connection of the communication

device to the open communication session(see figure 4 and it's disclosure).

16. Henrikon teaches the request comprises a session time "identification" of the

open communication session, wherein the step of initiating the communication session

comprises connection of the communication device to the open communicate the steps

of: receiving the session identification from the communication device; and sending the

session identification to one control components to connect the communication device

to the open communication session(see page 3 para 0022).

Claim 17. Henrikon teaches the step of initiating the connection of the

communication device to the open communication session comprises the steps of:

enabling access to a list of the one or more open communication sessions to a second

communication device; receiving a request to join the open communication session from

the second communication device, and initiating the connection of the second

communication device to the open communication session (page 3 para 0022)

Claim 18. Chan teaches all the limitation as explained above in claim 13. Chan

further teaches the one communication devices comprise one or more first

communication devices, the method further comprising the steps of: receiving a

notification of a private communication session prior to receipt of the request to join the

open communication from one second communication devices; sending the notification

of the private communication session to one of the one first communication devices',

and changing the open communication session to the private communication

session(page 3 para 0023).

Claim 19. Henrikon teaches an apparatus (114 and 124 of figure 1), comprising:

Henrikon teaches one computer-readable signal-bearing media, means in the one media for sending one notifications of one open communication sessions to one communication devices (see figure 1).

Henrikon teaches means in the one media for receiving a request to join an open communication session of the one open communication sessions from a communication device of the one communication devices; and means in the one media for initiating a connection of the communication device to the open communication session(page 3 para 0022-0026)).

Claim 20. Henrikon teaches topics (conference) and second communication devices and selecting the topics (conference and its time and day of the week, , page 3 para 0025-0026).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Tilahun B Gesesse whose telephone number is 571-

272-7879. The examiner can normally be reached on flexible schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Edward Urban can be reached on 571-272-7899.

The Central FAX Number is 571-273-8300. For patent related

correspondence, hand carry deliveries must be made to the Customer Service

Window (now located at the Randolph Building, 401 Dulany Street, Alexandria,

VA 22314), and facsimile transmissions must be sent to the Central FAX number,

unless an exception applies.

Information regarding the status of an application may be obtained from

the Patent Application Information Retrieval (PAIR) system. Status information

for published applications may be obtained from either Private PAIR or Public

PAIR. Status information for unpublished applications is available through

Private PAIR only. For more information about the PAIR system, see http://pair-

direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-

free).

4/13/06

TILAHUN GESESSE
PRIMARY EXAMINER